REMARKS/ARGUMENTS

Claims 17-24 are pending in the present application and were amended. Claims 1-16 and 25 were canceled. No claims were added. Support for the claim amendments can be found in the specification, for example, on page 22, line 26 to page 24, line 2 and in original claims. Reconsideration of the claims is respectfully requested in view of the above amendments and the following comments.

In this Amendment, Applicants have amended claims 17-24 and canceled claims 1-16 and 25 from further consideration in this Application. Applicants do not concede that the subject matter encompassed by claims 1-25 prior to this Amendment is not patentable over the art cited by the Examiner. Claims 17-24 were amended, and claims 1-16 and 25 were canceled solely to facilitate expeditious prosecution of the remaining claims. Applicants respectfully reserve the right to pursue additional claims, including claims 1-25 as presented prior to this amendment in one or more continuing patent applications.

I. Objections to the Specification

The Examiner has objected to the form of the Abstract, and, in addition, has objected to the specification as failing to provide proper antecedent basis for subject matter recited in claim 25.

Claim 25 has been canceled. Accordingly, the objection to the specification with respect to providing antecedent basis for terminology in claim 25 is now moot. The Abstract has been carefully amended to be in a proper form, and, in addition, several typographical errors noted in the specification have been corrected. No new matter has been added by any of the amendments to the specification.

Therefore, the objections to the specification have been overcome.

II. Objections to the Claims

The Examiner has objected to claims 1-4, 11 and 14 as containing informalities. Claims 1-4, 11 and 14 have been canceled. Accordingly, the objections to the claims are now moot.

Therefore, the objections to the claims have been overcome.

III. 35 U.S.C. § 101

The Examiner has rejected claims 1-16 under 35 U.S.C. § 101 as being directed towards non-statutory subject matter. This rejection is respectfully traversed.

In rejecting the claims, the Examiner states:

> Computer programs executed in a computer are not physical "things". They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer program do not define any structural and functional interrelationships between the computer program and other claimed elements of a

> computer, which permit the computer program's functionality to be realized. Therefore, the claims are rejected as being software per se.

Office Action dated July 9, 2008, pages 4-5.

Claims 1-16 have been canceled. Accordingly, the rejection of claims 1-16 under 35 U.S.C. § 101 is now moot.

Therefore, the rejection of the claims under 35 U.S.C. § 101 has been overcome.

IV. 35 U.S.C. § 112, Second Paragraph

The Examiner has rejected claims 1-25 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter, which applicants regard as the invention. This rejection is respectfully traversed.

In rejecting the claims, the Examiner states:

> The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. For example, claim 1 recites "Portal-Sever program comprising: means...", claim 14 recites "Portal-Server with Workflow...", and claim 17 recites "Method...". It is noted that the described language above however is not an exhaustive list of errors.
>
> Claim 1 recites a "Dynamic Assembly Module" for processing nodes (2nd limitation) and a "Dynamic Assembly Module" providing means to call said adapter (3rd limitation). It is vague and indefinite whether Applicant intended the "Dynamic Assembly Module" to provide one or both functionalities.
>
> Claim 3 recites the limitation "the customization component." There is insufficient antecedent basis for this limitation in the claim.
>
> Claim 4 recites the limitation "the aggregation component." There is insufficient antecedent basis for this limitation in the claim.
>
> Claims 5 and 7 recite components between other components. It is vague and indefinite to determine the particular purposes for the components' location.
>
> Claim 6 recites "...fragment is created ... on states of Internal or External Systems." It is vague and indefinite to determine the exact state of either system that contributes to creating the topology fragment.
>
> Claim 11 recites the limitation "said External System is a Workflow Management System ..." There is insufficient antecedent basis for this limitation in the claim.
>
> Claim 14 recites the limitation "...component which additionally..." It is vague and indefinite whether the component provides one or more functionality.
>
> Claim 14 also recites the limitation "...said Workflow Adapter provides the means ... from said Workflow Management System.. .to & associated..." There is insufficient antecedent basis for this limitation in the claim.
>
> Claims 17 and 25 recites " ... a certain Portal page ..." It is vague and indefinite which portal page is determined to be marked as Dynamic Nodes.

> Claims 17 and 25 also recites the limitation "said Dynamic Assembly Module." There is insufficient antecedent basis for this limitation in the claim.

Office Action dated July 9, 2008, pages 3-4.

Claims 1-16 and 25 have been canceled. Accordingly, the rejection with respect to those claims is now moot. With respect to claims 17-24, the claims have been amended to provide proper antecedent basis for all terminology therein and for clarity. Claims 17-24 now recite the invention in a clear and definite manner, and fully satisfy the requirements of 35 U.S.C. § 112, second paragraph, in all respects.

Therefore the rejection of claims 1-25 under 35 U.S.C. § 112, second paragraph has been overcome.

V. 35 U.S.C. § 102, Anticipation

The Examiner has rejected claims 1, 3-10, 17-19, and 25 under 35 U.S.C. § 102(e) as being anticipated by Hamada et al., U.S. Patent Application Publication No. 2002/0078105 (hereinafter "Hamada"). This rejection is respectfully traversed.

Claims 1, 3-10 and 25 have been canceled. Accordingly, the rejection with respect to those claims is now moot.

In rejecting claims 17-19, the Examiner states:

> Regarding Claim 17,
>
> Hamada taught Method for dynamically assembling a topology tree of a Portal page by means of a Portal-Server application, comprising the steps of:
>
> marking nodes of an existing topology tree of a certain Portal page as Dynamic Nodes, wherein said Dynamic Node references a fragment placeholder [¶31, Ln. 11~15];
>
> calling an Adapter being assigned to said Dynamic Node by means of said Dynamic Assembly Module [¶31, Ln. 11~15];
>
> creating an appropriate topology fragment by means of said Adapter at runtime [¶58, Ln. 4~8; ¶67, Ln. 4~7]; and
>
> replacing said fragment placeholder by said topology fragment by means of said Dynamic Assembly Module at runtime [¶58, Ln. 4~8; ¶67, Ln. 4~7].
>
> Regarding Claim 18,
>
> Hamada taught further comprising the steps of:
>
> assigning an expiry time to topology fragments which will not change for a given time [¶70-¶72]; and
>
> replacing said fragment placeholder by said topology fragment by means of said Dynamic Assembly Module at runtime if said expiry time is not expired [¶58, Ln. 4~8; ¶67, Ln. 4~7].
>
> Regarding Claim 19,
>
> Hamada taught further comprising the steps of:

caching said topology fragments [¶207]; and
replacing said fragment placeholder by said cached topology fragments by means of said Dynamic Assembly Module at runtime if said Adapter does not receive a notification from said External System that said topology fragment has been changed [¶207, ¶208].

Office Action dated July 9, 2008, pages 6-7.

Claim 17 as amended herein is as follows:

> 17. A computer implemented method for dynamically assembling a topology tree of a portal page, comprising:
> loading an existing topology tree of a portal page from storage, wherein the existing topology tree comprises a plurality of nodes;
> marking a node of the plurality of nodes of the existing topology tree a dynamic node, wherein said dynamic node comprises a node of said plurality of nodes that references a fragment placeholder, and wherein said fragment placeholder comprises a node that is to be resolved at runtime;
> assigning, by a dynamic assembly module, an adapter to said dynamic node;
> creating, using said adapter, a topology tree fragment, wherein said topology tree fragment comprises a partial topology tree that is built at runtime; and
> replacing, by said dynamic assembly module, said fragment placeholder with said topology tree fragment at runtime.

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). All limitations of the claimed invention must be considered when determining patentability. *In re Lowry*, 32 F.3d 1579, 1582, 32 U.S.P.Q.2d 1031, 1034 (Fed. Cir. 1994). Anticipation focuses on whether a claim reads on the product or process a prior art reference discloses, not on what the reference broadly teaches. *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 U.S.P.Q. 781 (Fed. Cir. 1983). In this case each and every feature of the presently claimed invention is not identically shown in Hamada, arranged as they are in the claims, and, accordingly, Hamada does not anticipate the claims.

Hamada is directed to a mechanism for editing a web document. In Hamada, one or more partial documents are extracted from a first document to be edited, and the partial extracted documents are inserted into a second document according to insertion positions of the partial documents on the second document described by a specific markup language in the second document.

In rejecting claim 17, the Examiner cites to portions of paragraphs [0031], [0058] and [0067] of Hamada as disclosing the features originally recited in the claim. These paragraphs are reproduced below for the convenience of the Examiner:

> **[0031]** According to one aspect of the present invention there is provided a document editing method for editing parts of contents of one or a plurality of first documents described by any markup language on a World Wide Web (WWW) in Internet into a second document described by a specific markup language on the WWW, comprising: extracting one or a plurality partial documents from the first documents according to locations of the first documents on the Internet and ranges of the partial documents to be extracted described by the specific markup language in the second document; and inserting the partial documents extracted by the extracting step into the second document according to insertion positions of the partial documents on the second document described by the specific markup language in the second document.
>
> **[0058]** The functions required for composing a plurality of web documents into a single web document can be narrowed down to three types including extraction, insertion and conversion. However, in general, not necessarily the entire web document (HTML document, for example) but only a part of it will be required as the web site information, i.e., contents, so that the extraction function is required to extract a partial document from arbitrary web document. Also, the insertion function is required to be flexible such that a table can be inserted into a table at a time of composition by combining a plurality of extracted partial documents. In addition, there can be cases where it is insufficient to have just these functions and a document conversion function is required in order to adjust the extracted partial documents into the same format when they have non-uniform formats at a time of composing them into a form of a list.
>
> **[0067]** In the present invention, the composition web document (which will also be referred to as a composition web page) to be a basis of the composition is described by the XML, a portion (partial document) of a range specified from the other specified web document is extracted and inserted into a specified position in the composition web document, and a conversion processing (a processing for conversion into a desired document structure) is applied to a specified range of the composition web document. Thus the present invention adopts a policy of providing two composition logic commands including insertion and conversion as elements in the composition web document.

Initially, Applicants respectfully submit that Hamada does not disclose or suggest "loading an existing topology tree of a portal page from storage, wherein the existing topology tree comprises a plurality of nodes", and "marking a node of the plurality of nodes of the existing topology tree as a dynamic node, wherein said dynamic node comprises a node of said plurality of nodes that references a fragment placeholder, and wherein said fragment placeholder comprises a node that is to be resolved at runtime" as recited in amended claim 17.

Hamada, in paragraph [0031] referred to by the Examiner as teaching the marking feature, describes a mechanism in which one or more partial documents are extracted from a first document, and inserted into a second document. The partial documents are extracted "according to locations of the first documents on the Internet and ranges of the partial documents to be extracted described by the specific markup language in the second document", and are inserted into the second document "according to insertion positions of the partial documents on the second document described by the specific markup language in the second document" (see paragraph [0032] in Hamada). Neither in paragraph [0031] nor elsewhere in Hamada, however, is there any teaching or suggestion of "marking a node of the plurality of nodes of the existing topology tree [that is loaded from storage] as a dynamic node, wherein said dynamic node comprises a node of said plurality of nodes that references a fragment placeholder, and wherein said fragment placeholder comprises a node that is to be resolved at runtime" as now recited in claim 17. Hamada does not disclose or suggest an existing topology tree that is loaded from storage, and does not disclose or suggest marking a node of an existing topology tree as a dynamic node, or that the dynamic node references a fragment placeholder, as now clearly recited in claim 17.

Hamada, accordingly, does not disclose or suggest "loading an existing topology tree of a portal page from storage, wherein the existing topology tree comprises a plurality of nodes", and "marking a node of the plurality of nodes of the existing topology tree as a dynamic node, wherein said dynamic node comprises a node of said plurality of nodes that references a fragment placeholder, and wherein said fragment placeholder comprises a node that is to be resolved at runtime", and does not anticipate claim 17 for this reason.

Hamada also does not disclose or suggest "assigning, by a dynamic assembly module, an adapter to said dynamic node", or "creating, using said adapter, a topology tree fragment, wherein said topology tree fragment comprises a partial topology tree that is built at runtime" as now recited in claim 17. Paragraph [0031], referred to by the Examiner as disclosing calling an adapter, does not disclose an adapter, and certainly does not disclose or suggest assigning an adapter to a dynamic node as now recited in claim 17. In addition, neither paragraph [0058] nor [0067] reproduced above disclose or suggests using the adapter to create a topology tree fragment that comprises "a partial topology tree that is built at runtime" as now recited in claim 17.

Therefore, Hamada also does not disclose or suggest "assigning, by a dynamic assembly module, an adapter that is assigned to said dynamic node", or "creating, using said adapter, a topology tree fragment, wherein said topology tree fragment comprises a partial topology tree that is built at runtime", and does not anticipate claim 17 for this reason, as well.

Hamada also does not disclose or suggest "replacing, by said dynamic assembly module, said fragment placeholder with said topology tree fragment at runtime" as recited in claim 17. As described above, Hamada may teach that one or more partial documents are extracted from a first document and inserted into a second document, but nowhere does the reference teach or suggest replacing a fragment placeholder (comprises a node that is to be resolved at runtime) with a topology tree fragment (that comprises a partial topology tree built at runtime) at runtime."

Hamada, accordingly, also does not teach or suggest "replacing, by said dynamic assembly module, said fragment placeholder with said topology tree fragment at runtime", and does not anticipate claim 17 for this reason as well.

For at least all the above reasons, claim 17 is not anticipated by Hamada and patentably distinguishes over Hamada in its present form.

Claims 18 and 19 depend from and further restrict claim 17 and are also not anticipated by Hamada, at least by virtue of their dependency. In addition, these claims recite further features that are not disclosed or suggested by Hamada. For example, claim 18 depends from claim 17 and recites "assigning an expiry time to the topology fragment, wherein the topology fragment does not change for a given period of time, wherein replacing, by said dynamic assembly module, said fragment placeholder with said topology fragment at runtime, comprises: replacing, by said dynamic assembly module, said fragment placeholder at runtime if said expiry time is not expired."

Paragraphs [0070]-[0072] of Hamada, referred to by the Examiner in rejecting claim 18, do not describe or in any way suggest assigning an expiry time for any reason, and certainly do not disclose or suggest assigning an expiry time to a topology fragment wherein the topology fragment does not change for a given period of time.

Claim 18, accordingly, is not anticipated by, and patentably distinguishes over Hamada in its own right as well as by virtue of its dependency.

Therefore, the rejection of claims 1, 3-10, 17-19, and 25 under 35 U.S.C. § 102 has been overcome.

VI. 35 U.S.C. § 103, Obviousness

The Examiner has rejected claims 2, 11-16, and 20-24 under 35 U.S.C. § 103 as being unpatentable over Hamada in view of Slatter, U.S. Patent Application Publication No. 2002/0007300 (hereinafter "Slatter"). This rejection is respectfully traversed.

Claims 2 and 11-16 have been canceled. Accordingly, the rejection with respect to those claims is now moot. In rejecting claims 20-24, the Examiner states:

> Regarding Claim 20,
>
> Hamada taught creating a topology fragment containing said Portlet [¶58, Ln. 4~8; ¶67, Ln. 4~7], however, did not specifically teach said Adapter is a Workflow Adapter, wherein said Workflow Adapter comprising the steps of: obtaining a workflow item from a Workflow System; mapping said workflow item to an associated Workflow Portlet; and returning said topology fragment to said Dynamic Assembly Module.

Slatter taught a Workflow Management component which assigns tasks by utilizing workflow templates. The templates include tasks (workflow items) that are assigned to users (mapping the task to associated Workflow Portlet) and to be completed in the order assigned. Once the tasks are completed, the workflow management component updates the status of all tasks assigned (returning the topology fragment) [¶50].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to implement, Slatter's workflow management component to enable the Adapter obtain a workflow item from a Workflow System, mapping said workflow item to an associated Workflow Portlet; and returning said topology fragment, as it would allow tasks (topology fragments created) assigned to a Portlet to be performed efficiently without manual intervention [¶6].

Regarding Claim 21,

Hamada taught substantially all the limitations of claim 20, however, did not specifically teach said Workflow Portlet provides means to perform the tasks associated with said work item.

Slatter taught a Workflow Management component which assigns tasks by utilizing workflow templates. The templates include tasks (workflow items) that are assigned to users (mapping the task to associated Workflow Portlet) and to be completed in the order assigned. Once the tasks are completed, the workflow management component updates the status of all tasks assigned (returning the topology fragment) [¶38].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to implement, Slatter's workflow management component to enable the Workflow Portlet provide means to perform the tasks associated with said work item. See motivation above.

Regarding Claim 22,

Hamada taught substantially all the limitations of claim 21, however, did not specifically teach said Workflow Portlet calls the Workflow System to check out the work item and checks in the work item.

Slatter taught a Workflow Management component which assigns tasks by utilizing workflow templates. The templates include tasks (workflow items) that are assigned to users (mapping the task to associated Workflow Portlet) and to be completed in the order assigned. Once the tasks are completed, the workflow management component updates the status of all tasks assigned (returning the topology fragment) [¶38].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to implement, Slatter's workflow management component to enable the Workflow Portlet call the Workflow System to check out the work item and checks in the work item. See motivation above.

Regarding Claim 23,

Hamada taught substantially all the limitations of claim 22, however, did not specifically teach said Workflow Portlet receives said work item from a Workflow System Service.

Slatter taught a Workflow Management component which assigns tasks by utilizing workflow templates. The templates include tasks (workflow items) that are assigned to users (mapping the task to associated Workflow Portlet) and to be completed in the order assigned. Once the tasks are completed, the workflow management component updates the status of all tasks assigned (returning the topology fragment) [¶38].

Therefore, it would have been obvious to one of ordinary skill in the art at the

> time the invention was made, to implement, Slatter's workflow management component to enable the Workflow Portlet receive said work item from a Workflow System Service. See motivation above.
>
> Regarding Claim 24,
>
> Hamada taught substantially all the limitations of claim 23, however, did not specifically teach said Workflow System Service communicates with said Workflow System via a Workflow System API which obtains the work items of a user, checks out said work items, and checks in said work item.
>
> Slatter taught a Workflow Management component which assigns tasks by utilizing workflow templates. The templates include tasks (workflow items) that are assigned to users (mapping the task to associated Workflow Portlet) and to be completed in the order assigned. Once the tasks are completed, the workflow management component updates the status of all tasks assigned (returning the topology fragment) [¶38].
>
> Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to implement, Slatter's workflow management component to enable the Workflow System API which obtains the work items of a user, check out said work items, and check in said work item. See motivation above.

Office Action dated July 9, 2008, pages 13-16.

The Examiner bears the burden of establishing a *prima facie* case of obviousness based on prior art when rejecting claims under 35 U.S.C. § 103. *In re Fritch*, 972 F.2d 1260, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992). The prior art reference (or references when combined) must teach or suggest all the claim limitations. *In re Royka,* 490 F.2d 981, 180 USPQ 580 (CCPA 1974). In determining obviousness, the scope and content of the prior art are... determined; differences between the prior art and the claims at issue are... ascertained; and the level of ordinary skill in the pertinent art resolved. Against this background the obviousness or non-obviousness of the subject matter is determined. *Graham v. John Deere Co.*, 383 U.S. 1 (1966). "Often, it will be necessary for a court to look to interrelated teachings of multiple patents; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by a person having ordinary skill in the art, all in order to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue." *KSR Int'l. Co. v. Teleflex, Inc.*, No. 04-1350 (U.S. Apr. 30, 2007). "*Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.* Id. (citing *In re Kahn*, 441 F.3d 977, 988 (CA Fed. 2006))."

Claims 20-24 depend from and further restrict claim 17. Slatter is cited as disclosing a workflow management component which assigns tasks by utilizing workflow templates Slatter does not, however, supply the deficiencies in Hamada with respect to independent claim 17 as described in detail above. Claims 20-24, accordingly, patentably distinguish over Hamada in view of Slatter, at least by virtue of their dependency from claim 17. In addition, the claims recite further features which are not disclosed or suggested by the cited references. For example, claim 24 recites that the workflow system service communicates with said workflow system via a workflow system API which obtains the work items of a user, checks out said workflow item, and checks in said workflow item. These features are not disclosed or suggested by Hamada or Slatter, and claim 24 patentably distinguishes over the cited art in its own right as well as by virtue of its dependency.

Therefore, the rejection of claims 2, 11-16, and 20-24 under 35 U.S.C. § 103 has been overcome.

VII. Conclusion

For at least all the above reasons, claims 17-24 patentably distinguish over the cited art and this application is believed to be in condition for allowance. It is, accordingly, respectfully requested that the Examiner so find and issue a Notice of Allowance in due course.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: August 20,2008

Respectfully submitted,

/Gerald H. Glanzman/

Gerald H. Glanzman
Reg. No. 25,035
Yee & Associates, P.C.
P.O. Box 802333
Dallas, TX 75380
(972) 385-8777
Attorney for Applicants